

**THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of:

Taboo, LLC
t/a DC Star

Holder of a Retailer's
Class CN License

At premises
2135 Queens Chapel Road, N.E.
Washington, D.C. 20018

Respondent

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Case Nos.: 11-251-00316 &

11-CMP-00115

License No.: ABRA-078881

Order No.: 2012-208

BEFORE: Ruthanne Miller, Chairperson
Nick Alberti, Member
Donald Brooks, Member
Herman Jones, Member
Calvin Nophlin, Member
Mike Silverstein, Member
Jeannette Mobley, Member

ALSO PRESENT: Andrew Kline, on behalf of the Respondent

Walter Adams II, Assistant Attorney General
Office of the Attorney General, District of Columbia

Martha Jenkins, General Counsel
Alcoholic Beverage Regulation Administration

ORDER ON OFFER IN COMPROMISE

Taboo, LLC, t/a DC Star (Respondent) holds a Retailer's Class CN License located at 2135 Queens Chapel Road, N.E., Washington, D.C. On January 1, 2012, the Government served a Notice to Show Cause (Notice) charging the Respondent with multiple violations of allowing the establishment to be used for unlawful or disorderly purposes; failure or refused to allow an ABRA Investigator to enter or inspect without delay the licensed premises or examine the books and records of the business, or otherwise interfered with an investigation; failure to follow its security plan; and

violation of its voluntary agreement, in violation of D.C. Official Code §§ 25-823(2), 25-823(5), and 25-823(6).

The matter came before the Alcoholic Beverage Control Board (Board) for a Show Cause Hearing on May 9, 2012, in accordance with D.C. Official Code § 25-601 (20001). At the time of the hearing, the Government submitted to the Board, a proposed Offer in Compromise (OIC) pursuant to 23 DCMR 1604.5 (2009). The Respondent acknowledged its consent to the terms of the OIC and waived its right to a hearing.

The terms of the OIC are as follows:

1. The Government agrees to dismiss nine of the nineteen charges listed in the Notice of Status and Show Cause Hearings, including charges I, III, IV, VII, IX, XI, XVI, XVIII, XIX;
2. The Respondent shall pay civil penalties in the amount of \$16,000.00 within one hundred twenty (120) days from the date of this Order. The allocation of the fine amounts is as follows:
 - a. Charge II: \$2,000.00
 - b. Charge V: \$2,000.00
 - c. Charge VI: \$2,000.00
 - d. Charge VIII: \$2,000.00
 - e. Charge X: \$1,250.00
 - f. Charge XII: \$1,250.00
 - g. Charge XIII: \$1,250.00
 - h. Charge XIV: \$1,250.00
 - i. Charge XV: \$1,000.00
 - j. Charge XVII: \$2,000.00

Failure to remit the amount in full within the time specified may result in the imposition of additional sanctions;

3. The Respondent shall receive a suspension of thirty (30) days; all 30 days stayed for one year, provided that the Respondent does not commit any ABC violations;
4. The Respondent agrees that the co-owner of the establishment, Sunjeev Preet, will no longer serve in any managerial or operational capacity for the establishment,

- a. Further, the Respondent agrees that Sunjeev Preet will no longer serve in a representative capacity for the establishment in interactions with the District of Columbia government officials, including the Metropolitan Police Department and the Alcoholic Beverage Regulation Administration.
 - b. The Respondents agrees that, whenever the establishment is open and in operation, Sunjeev Preet is prohibited from being present upon the establishment's premises and curtilage.
 - c. The Government agrees that to the extent that the terms the rights and responsibilities belonging to Sunjeev Preet are not addressed by the terms and condition of the OIC, such rights and responsibilities are unaffected.
5. All employees and agents of the Licensee involved in security, controlling access to the premises, and those serving alcohol, must attend and complete TIPs training within sixty (60) days from the date of this Order;
6. The establishment must bar any visibly intoxicated persons from entering the establishment. The Respondent agrees to incorporate such requirement into its security plan;
7. The establishment must prohibit the admission of any person who does not produce a government issued identification document. The document must include a photograph of the person seeking admission. The Respondent agrees to incorporate such requirement into its security plan;
8. The Respondent agrees to perform monthly checks of the performance of its security camera system,
 - a. Within thirty (30) days from the date of this Order, the establishment will create a check sheet to document the camera performance.
 - b. The establishment must repair any camera within ten (10) days from the date of this Order of it becoming inoperable.
9. The Respondent agrees, at a minimum, to make incident log entries after the following incidents: incidents requiring police intervention or medical treatment, physical altercations, and camera malfunctions. Such entries shall be made by 5:00 p.m. the following business day (by way of example, if the establishment closes at 2:00 a.m., log entries for any incident occurring between the time the establishment opened the previous evening, and closing at 2:00 a.m., shall be completed by 5:00 p.m. that day). The Respondent agrees to incorporate such requirement into its security plan;


10. The Respondent agrees to create a formal procedure for bands or other entertainment whenever fights occur. Upon such incidents, the entertainment shall stop performing music, the establishment shall turn on hose lights until such incident is managed, and the establishment or entertainer must make announcement to audience. The Respondent agrees to incorporate such requirement into its security plan.

Accordingly, the Board having found the terms of the OIC to be fair, reasonable, and adequate, does hereby, this 16th day of May 2012, **APPROVE** the terms of the Offer in Compromise entered into by the Government and Taboo, LLC, t/a DC Star, located at 2135 Queens Chapel Road, N.E., Washington, D.C. The OIC shall be carried out in accordance with the terms of the OIC and it shall be binding on the Respondent. Copies of this Order shall be sent to the Government and to the Respondent.

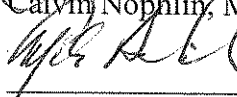
District of Columbia
Alcoholic Beverage Control Board


Ruthanne Miller, Chairperson

Nick Alberti, Member

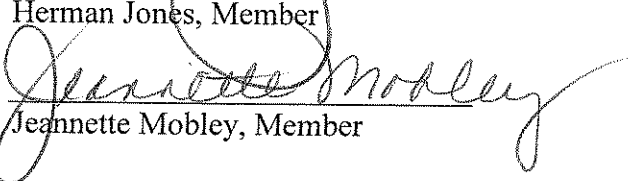

Donald Brooks, Member


Calvin Nophlin, Member


Mike Silverstein, Member

We dissent from the position taken by the majority of the Board.


Herman Jones, Member


Jeannette Mobley, Member

Pursuant to Section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001) and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of the service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001.

Also, pursuant to Section 11 of the District of Columbia Administrative Procedure Act, Pub. L. 90-614, 82 Stat. 1209, D.C. Official Code § 2-510 (2001) and Rule 15 of the District of Columbia Court of Appeals, any party adversely affected has the right to appeal this Order by filing a petition for review, within thirty (30) days of the date of the service of this Order, with the District of Columbia Court of Appeals, 500 Indiana Avenue, N.W., Washington, D.C. 20001. However, the timely filing of a Motion for Reconsideration pursuant to 23 DCMR § 1719.1 (April 2004) stays the time for filing a petition for review in the District of Columbia Court of Appeals until the Board rules on the motion. See D.C. App. Rule 15(b).